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Permit No.: ST-9190  
Issuance Date: July 11, 2005  
Effective Date: September 1, 2005  
Expiration Date: August 31, 2010

STATE WASTE DISCHARGE PERMIT NO. ST-9190

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
CENTRAL REGIONAL OFFICE  
YAKIMA, WASHINGTON 98902

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
and  
the Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.,  
authorizes

to discharge wastewater in accordance with the special and general conditions which follow.

BAKER COMMODITIES  
P.O. BOX 359  
SUNNYSIDE, WA 98944

<u>Facility Address:</u> 150 Bridgeview Road Grandview, WA 98930	<u>Discharge Location</u> Latitude: 46° 12' 36" N Longitude: 119° 54' 40" W
<u>Publicly Owned Treatment Works (POTW) Receiving Discharge:</u> City of Grandview POTW	
<u>Industry Type:</u> Animal and Marine Fats and Oils Production	<u>SIC Code:</u> 2077

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Washington State Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Monthly	October 15, 2005
S4.A.	Operation and Maintenance Manual	1/permit cycle	March 1, 2006
S4.A.	O&M Manual Update or Annual Review Confirmation Letter	5/permit cycle	March 1, 2007
S7.C.	Solid Waste Control Plan	1/permit cycle	March 1, 2006
S8.	Additional Chemical Analysis Of Effluent	1/permit cycle	August 31, 2009
G1.	Signature Authorization/Delegation	As necessary	As necessary
G7.	Application for permit renewal	1/permit cycle	August 31, 2009

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **September 1, 2005** and lasting through **August 31, 2010**, the discharge from this facility is subject to limitations established by Contract Schedule A between the facility and the City of Grandview. At the time of issuance, the contract dated July 1, 1999 is in effect. The effluent limitations in that contract constitute the enforceable limits of this permit. The limits are located in Appendix A of the O&M Manual.

EFFLUENT LIMITATIONS		
Parameter	Minimum	Maximum
pH, in Standard Units <sup>a</sup>	5	11
<sup>a</sup> These limits are drawn from the City of Grandview's Sewer Use Ordinance.		

This permit anticipates that the Permittee and the City of Grandview may renegotiate the Contract Schedule A during the course of this permit. Upon establishment of a new contract, the Permittee shall submit the contract to the Department for approval. Upon approval, the new contract will be incorporated into the O&M Manual as a replacement Appendix A and the limitations established in the new contract will become enforceable limits of this permit.

## S2. MONITORING REQUIREMENTS

### A. Wastewater Monitoring

The Permittee shall report results of monitoring. Parameters to be reported and sampling frequency, location, and methods are listed in the following table.

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow <sup>a</sup>	Gallons	City Water Meter	Weekly	Totalizing meter
Total Monthly Cumulative Flow	Gallons	Not Applicable	Monthly	Flow calculation
Biological Oxygen Demand	mg/L	Sump <sup>b</sup>	Weekly <sup>c d</sup>	Grab sample <sup>e</sup>
BOD	lbs/day	Sump	Monthly	Calculation <sup>f</sup>
Aggregate BOD	lbs/month	Sump	Monthly	Aggregate Calculation <sup>g</sup>
Total Suspended Solids	mg/L	Sump	Weekly	Grab sample
TSS	lbs/day	Sump	Monthly	Calculation <sup>f</sup>
Aggregate TSS	lbs/month	Sump	Monthly	Aggregate Calculation <sup>g</sup>
Total Dissolved Solids	mg/L	Sump	Quarterly <sup>h</sup>	Grab sample
pH	Standard Units	Sump	Weekly	Hand held meter
<sup>a</sup> Report exact reading on totalizing meter.				
<sup>b</sup> Sampling is performed at sump located immediately upstream of the West sump from which wastewater is pumped to the city sewer.				
<sup>c</sup> If sampling occurs at a greater than weekly basis for BOD & TSS, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.				
<sup>d</sup> Weekly means sampling shall be conducted once a week on a rotational basis throughout the days of the week, except weekends and holidays.				
<sup>e</sup> Grab sample means an individual sample collected over a 15 minute, or less, period.				
<sup>f</sup> -"Calculation" of daily loading means figured monthly with the respective sample's average concentration. The calculation is presented below: $[\text{lbs/day} = (\text{Average Gallons Per Day}) * (\sum \text{ of sampled concentrations} / \# \text{ of sampled conc.}) * 0.00000834]$				
<sup>g</sup> -"Calculation" of aggregate loading means figured monthly with the respective sample's average concentration. The calculation is presented below: $[\text{lbs/Month} = (\text{Total Monthly Flow in thousands of gallons}) * (\sum \text{ of sampled concentrations} / \# \text{ of sampled conc.}) * 0.00000834]$				
<sup>h</sup> Quarterly means sampling shall be conducted once a quarter on a rotational basis throughout the days of the week, except weekends and holidays.				

**B. Sampling and Analytical Procedures**

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

**C. Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least 3 years.

**D. Laboratory Accreditation**

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, turbidity, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

**A. Reporting**

The first monitoring period begins on **September 1, 2005**. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be submitted no later than the 15<sup>th</sup> day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to:

Permit Data System Manager  
Department of Ecology  
Central Region Office  
15 West Yakima Avenue, Suite 200  
Yakima, WA 98902

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

**B. Records Retention**

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

**C. Recording of Results**

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

**D. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

**E. Noncompliance Notification**

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department and the local sewage treatment plant manager of the failure to comply; and
4. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

**F. Dangerous Waste Discharge Notification**

The Permittee shall notify the POTW and the Department in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification shall be made at least 90 days prior to the date that discharge is proposed to be initiated.

**G. Spill Notification**

The Permittee shall notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

#### **S4. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

##### **A. Operations and Maintenance Manual**

An updated Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval by **March 1, 2006**. The O&M Manual shall be reviewed by the Permittee at least annually. A letter affirming the review shall be submitted to the Department on an annual basis beginning **March 1, 2007**. All manual changes or updates shall be submitted to the Department whenever they are incorporated into the manual.

The manual shall include:

- 1) The names and phone numbers of the responsible individuals.
- 2) A description of each wastewater treatment unit and its operation and maintenance, including recommended settings.
- 3) Recordkeeping procedures and sample forms to be used.
- 4) Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
- 5) Appendix A: to consist of City of Grandview Industrial Wastewater User Contract including the most recent Schedule A - Capacity Allocation Summary
- 6) Updated information from the existing O&M Manual to include, 1) facility site map, 2) process flow chart, 3) all wastewater treatment stations, and 4) wastewater lines and stormwater drainage.
- 7) A section that develops best management practices to prevent contamination of ground water by leachates from raw and/or process materials.

##### **B. Bypass Procedures**

The Permittee shall immediately notify the Department and the receiving POTW of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department and the receiving POTW in accordance with Special Condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department and the POTW at least 30 days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:
  - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
  - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, a violation of a pretreatment standard or requirement, or adversely impact public health as determined by the Department prior to the bypass.

## **S5. PROHIBITED DISCHARGES**

### **A. General Prohibitions**

The Permittee shall not introduce into the POTW pollutant(s) which cause Pass Through or Interference.

### **B. Specific Prohibitions**

In addition, the following shall not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F) unless the approval authority, upon request of the POTW, approves alternative temperature limits;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

7. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
8. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 11.0, unless the works is specifically designed to accommodate such discharges.

**C. Prohibited Unless Approved**

1. Any of the following discharges are prohibited unless approved by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):
  - a. Noncontact cooling water in significant volumes.
  - b. Storm water and other direct inflow sources.
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

**S6. DILUTION PROHIBITED**

The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

**S7. SOLID WASTE DISPOSAL**

**A. Solid Waste Handling**

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground water, surface water or a POTW.

**B. Leachate**

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing all known, available and reasonable methods of

prevention, control and treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

**C. Solid Waste Control Plan**

Under authority of RCW 90.48.080, the Permittee shall develop and submit to the Department and the Jurisdictional Health Department, a Solid Waste Plan to prevent solid waste from causing pollution of waters of the state no later than **March 1, 2006**. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall meet the rule requirements of Chapter 173-350 WAC.

The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. The plan shall identify specific individuals who are responsible for said plan and a means to contact them during normal hours of business. This plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal one year prior to the expiration date of the permit.

**S8. ADDITIONAL CHEMICAL ANALYSIS OF EFFLUENT**

The Permittee shall conduct a chemical analysis on a composited effluent sample collected from the wastewater sump located immediately upstream from the sump that is pumped to the City of Grandview's POTW sewer force main. The sample shall be taken between **September 1, 2008** and **August 1, 2009**.

Results from the analysis shall be submitted with the application for permit renewal, one year prior to the permit's expiration.

Three grab samples of the effluent shall be collected during a day in which normal operations are occurring. The sampling shall be representative of the nature of the effluent. The samples shall then be poured together to make one composite sample. The individual samples and the final composited sample shall be kept at a maximum of 4° C (39° F) until analyzed by the laboratory.

Analysis of the composited sample shall be conducted by an accredited laboratory.

The analysis shall be conducted for the following eleven constituents:

<b>Parameter</b>	<b>Analytical Method Std. Methods 19th edition</b>	<b>Detection Limit</b>
Biological Oxygen Demand (5 day)	5210	2 mg/l
Total Suspended Solids	2540D	1 mg/L
Chemical Oxygen Demand	5220 B, C, or D	5 mg/l
Total Dissolved Solids	2540 C	
Total Kjeldahl N	4500-N <sub>org</sub>	20 µg/l
Ortho-phosphate-P	4500-P E or 4500-P F	1 µg/l
Total Oil & Grease	5520 C	0.2 mg/l
Total-phosphorus-P	4500-P B.4.	1 µg/l
Chloride	4500-Cl C	0.15 µg/l
Sodium	3500-Na B	2 µg/l
pH	4500-H	0.1 units

## GENERAL CONDITIONS

### G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the State. Reasonable times shall include normal business hours; hours during which production,

treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

**G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the State; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

**G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 1 year prior to the specified expiration date of this permit.

**G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

**G11. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

**G12. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.